

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Multiple Dwelling Reports

Form and content; Filing

Proposed Amendments: N.J.A.C. 13:10-2.3 and 2.4

Authorized By: J. Frank Vespa-Papaleo, Director, Division on Civil Rights

Authority: N.J.S.A. 10:5-8 and 10:5-12

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2007-283

Submit comments by November 3, 2007 to:  
Gary LoCassio, Assistant Director  
Division on Civil Rights  
P.O. Box 089  
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The agency proposal follows:

**Summary**

The Division on Civil Rights (the Division), pursuant to its rulemaking authority found at N.J.S.A. 10:5-8, proposes amendments to N.J.A.C. 13:10-2.3 regarding the form and contents of a report to be filed with the Division by owners of multiple apartment dwellings and to N.J.A.C. 13:10-2.4 regarding the filing of such reports. The Division proposes that owners be required to file the reports electronically on the Division's website.

The rules contained in Chapter 10 of the Division's rules require owners of multiple apartment dwellings which have 25 units or more to file an annual report (MDRR Report) with the Division concerning the racial/ethnic composition of the multiple dwelling, whether any of its buildings or developments are barrier-free, as well as other factors affecting the dwelling's

composition. The New Jersey Supreme Court in New Jersey Builders, Owners and Managers Ass'n v. Blair, 60 N.J. 330 (1972), upheld the rules as a rational approach to enforcing the Law Against Discrimination (LAD).

On April 5, 2004, the Division adopted amendments to N.J.A.C. 13:10-2.3 and 2.4 to allow for the option of filing the MDRR reports electronically on the Division's website. See 36 N.J.R. 1813(a). The Division has accepted electronic filing of the MDRR reports since 2004, and users have reported satisfaction with the electronic filing system. However, in 2007 less than one-third of those entities required to file MDRR reports did so electronically, with the remainder continuing to file paper reports. The paper filing of the reports necessitates a significant expenditure of resources for the Division, since it must reassign existing personnel and hire temporary help to perform data input for the thousands of forms that are paper filed. Conversely, such data input by the Division is unnecessary under the electronic filing system. Moreover, it is the Division's belief that most, if not all, owners of multiple apartment dwellings of 25 units or more should have access to the Internet in their offices or homes in order to accomplish electronic filing. To the extent an owner does not have a personal computer with Internet access in his or her office or home, free access to the Internet is generally available in public libraries to accomplish the annual filing of the report.

Therefore, the Division proposes to require electronic filing of the MDRR reports. The proposed amendment to N.J.A.C. 13:10-2.3 would provide that the form for submitting the report would be available only on the Division's website. The proposed amendment to N.J.A.C. 13:10-2.4 would provide that the report shall be filed electronically on the Division's website. References to paper filing of the report would be deleted.

As the Division has provided a 60-day comment period on the notice for this proposal, this

notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Division believes that the proposed amendments will impact only owners of multiple apartment dwellings, who would be required to file the annual MDRR report electronically. These owners should not be adversely affected, as the electronic filing process should not take any more time than preparing a hard copy of the report for filing with the Division. The Division believes that most, if not all, owners of apartment complexes with 25 or more units should have access to the Internet either at their offices or homes to undertake the electronic filing. Those owners who do not have Internet access at their offices or homes may need to expend time to go to a local public library or other location with Internet access to file the report. However, since the report must be filed only once annually, those owners who do not have Internet access at their homes or offices would only be inconvenienced only once a year to obtain Internet access to file the one-page report. For those owners who are unsophisticated computer users, the Division provides detailed instructions and technical support for completing the online form. The proposed amendments would have a positive effect on the Division, since the agency could better focus its resources on matters other than data input.

### **Economic Impact**

The proposed amendments will not impose any additional costs on owners of multiple apartment dwellings or the general public, as there is no cost for the electronic filing and it should not take any additional time to do the electronic filing than the paper filing. The proposed amendments would have a positive economic impact on the Division, as it would not need to hire temporary workers or reassign staff to perform data input required by paper filing.

### **Federal Standards Statement**

A Federal standards statement is not required because there are no Federal standards or requirements applicable to the proposed amendments.

### **Jobs Impact**

The Division does not believe that the proposed amendments will increase or decrease jobs in the State.

### **Agriculture Industry Impact**

The Division does not believe that the proposed amendments will have any impact on the agriculture industry in the State.

### **Regulatory Flexibility Analysis**

The Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq., requires the Division to give a description of the types, and an estimate of the number, of small businesses to which the proposed amendments will apply. The amendments would apply only to owners of multiple apartment dwellings with at least 25 units, of which there are approximately 3,000. The Division believes that many of these may be considered “small businesses.” The proposed amendments would not, however, impose new reporting, recordkeeping or other compliance requirements on these businesses, other than require that the MDRR report that is already required to be filed be filed electronically over the Internet. There should be no costs of compliance, and no need to employ professional services to comply.

### **Smart Growth Impact**

The Division does not anticipate that the proposed amendments will have any impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

### **13:10-2.3 Form and contents of report**

(a) The report shall be submitted on forms approved by the Attorney General and said forms shall be available on the website of the Division on Civil Rights ([www.NJCivilRights.org](http://www.NJCivilRights.org)), at any office of the Division on Civil Rights or other place so designated by the Attorney General].

(b) (No change.)

### **13:10-2.4 Filing of reports**

(a) One copy of the report shall be filed with the Division on Civil Rights on a yearly basis. The report [may] **shall** be filed electronically using the website of the Division on Civil Rights [or by delivering a copy of the report to the Division's office].

(b) (No change.)

(c) The date of filing of a report filed through the Division on Civil Rights website shall be the date the report is submitted in full on the website and an acknowledgment of receipt is issued. [The date of filing of a report filed by mail or personal delivery to the Division on Civil Rights shall be the date the report is stamped received by the Division.]